REMARKS / ARGUMENTS

Applicants have received the Office Action dated April 4, 2007 (hereinafter, "Office Action"), in which the Examiner: 1) rejected claims 14 and 19-26 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter; 2) rejected claims 1-26 under 35 U.S.C. § 103(a) as allegedly obvious over Kouchi et al. (U.S. Pat. No. 6,023,694, hereinafter "Kouchi") in view of Kennelly et al. (U.S. Pat. No. 6,101,539, hereinafter "Kennelly"); and 3) rejected claims 1-26 under the judicially created doctrine of non-statutory double patenting as allegedly unpatentable over claims 1-18 and 27-28 of co-pending application serial number 10/971,773 (U.S. Pat. App. Pub. No. 2005/0171969, hereinafter "Co-pending Application"). With this Response, Applicants have amended claim 19. Based on the amendments and arguments contained herein, Applicants believe this case is in condition for allowance.

I. THE § 101 REJECTIONS

Applicants respectfully note that in rejecting dependent claim 14, the Examiner stated that "Applicant recites conditional limitations for producing results, such as the claimed, 'if the data matches...' such that the condition is not met, the claims will generate no useful, concrete, and tangible results." Office Action, p. 3. Thus, the Examiner appears to be arguing that because the dependent claim recites an element that conditionally performs a task, the entire claim is, on its face, directed to non-statutory subject matter. Applicants respectfully traverse this assertion by the Examiner, and respectfully remind the Examiner that "[c]laims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim." 37 CFR § 1.75(c). Thus, claim 14, which depends upon independent claim 7, includes all of the limitations of claim 7.

Since the Examiner did not reject claim 7 as directed to non-statutory subject matter, Applicants respectfully assume that the Examiner implicitly acknowledges that independent claim 7 is directed to statutory subject matter, and does produce useful, concrete, and tangible results. Therefore, given that claim 14 includes all of the limitations of claim 7, and given that claim 7 produces

useful, concrete and tangible results, the conditional nature of claim 14 is irrelevant. Regardless of whether "the event detector… provides a signal if a match is found," as required by claim 14, the system of dependent claim 14 will still include all of the elements of independent claim 7 and will still produce the same useful, concrete and tangible results as independent claim 7. Applicants respectfully submit that for at least these reasons, dependent claim 14 is directed to statutory subject matter.

Applicants further respectfully note that the recitation of a conditional claim limitation does not automatically mean that a claim is directed to non-statutory subject matter for failing to produce tangible, concrete, and useful result when the condition is not met. The condition itself is a limitation of the claim, and thus the invention <u>as claimed</u> does in fact produce a tangible, concrete and useful result, as long as the result produced when the condition is met is tangible, concrete and useful. Applicants are unaware of any requirement in the statute, rules, or MPEP that the <u>unclaimed</u> inverse of a limitation must produce a tangible, concrete and useful result in order for the claim to be directed to statutory subject matter. For at least these reasons, Applicants respectfully submit that dependent claim 14 does not fail to produce tangible, concrete, and useful results simply because it recites a conditional limitation, and thus further respectfully submit that the rejection of the claim on this basis is improper. For at least these reasons, Applicants respectfully request withdrawal of the section 101 rejection of claim 14.

Regarding the rejection of independent claim 19, Applicants respectfully note that under MPEP § 2106.01, "'functional descriptive material' consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of 'data structure' is 'a physical or logical relationship among data elements, designed to support specific data manipulation functions.' The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).)." The MPEP further states that:

> When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since

use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory).

MPEP § 2106.01 (emphasis added). Applicants respectfully submit that at least because independent claim 19, as amended, requires "storing the categorized and formatted data to a central data manager comprising a data storage device," the claim is directed to statutory subject matter. For at least these reasons, Applicants respectfully request withdrawal of the section 101 rejection of independent claim 19.

Further, Applicants submit that the arguments presented with regard to dependent claim 14 and its relationship to independent claim 7 also apply to dependent claims 20-26 and their relationship to amended independent claim 19. Applicants therefore respectfully submit that because dependent claims 20-26 include all of the limitations of independent claim 19, as amended, and because independent claim 19, for the reasons presented above, is directed to statutory subject matter, dependent claims 20-26 are also directed to statutory subject matter. For at least these reasons, Applicants respectfully request withdrawal of the section 101 rejections of dependent claims 20-26.

Additionally, for at least the same reasons as those presented regarding claim 14, Applicants further respectfully request withdrawal of the rejection of dependent claim 23 as not directed to statutory subject matter because of the recitation of a conditional limitation.

II. THE OBVIOUSNESS REJECTIONS

In support of the obviousness rejections of claims 1-26, the Examiner stated, among other things, that "Kouchi teaches a method for compiling parser scripts...." Office Action, p. 4. Applicants respectfully traverse the Examiner's characterization of the cited art, noting that Kouchi does not teach or even suggest compiling parser scripts, and in fact does not even mention parser scripts or any other type of script or scripting mechanism. The Examiner further stated that Kouchi further teaches "constructing database record definitions... (col 16, lines 64-67 to col 17, lines 1-5)." Office Action, p. 4. Applicants also respectfully traverse this characterization of the cited art, noting that Kouchi teaches a procedure that "calls or activates a function 904 of the appropriate driver or modules 804 to load data definitions 1024." Kouchi, col. 16, lines 64-66. Kouchi thus does not teach or even suggest "constructing database record definitions", as required by independent claim 1. Kouchi instead teaches loading data definitions that already exist. Further, none of the cited art overcomes the deficiencies of Kouchi. For at least these reasons, Applicants respectfully submit that independent claim 1, and all claims that depend upon it, are in condition for allowance.

The Examiner also stated that "Kouchi does not expressly teach writing parser scripts that receive security data from the network components and output records, each record corresponding to one of the record definitions and storing said parser scripts." Office Action, p. 4. However the Examiner further alleged that Kennelly teaches these elements of claim 1 (*Id.*), an assertion respectfully traversed by Applicants. Independent claim 1, for example, requires "writing parser scripts that receive security data from the network components and output records." The parser scripts taught by Kennelly do not receive security data, and further do not output records. Kennelly instead teaches a scripting parser that "receives the embedded script from the HTML page and parses the script into methods that can retrieve objects." Kennelly, col. 6, lines 46-48. Thus, Kennelly teaches parsing a script, embedded in an HTML page, into methods that retrieve objects. Kennelly does not teach or even suggest "writing parser scripts," nor

does Kennelly teach or even suggest parser scripts that "output records." Further, as already acknowledged by the Examiner, none of the cited art overcomes these deficiencies.

For at least the reasons given above, Applicants respectfully submit that none of the cited art, either alone or in combination, includes all of the elements of claim 1. Applicants thus respectfully submit that independent claim 1, as well as those claims that depend upon it, are all in condition for allowance.

With regard to independent claims 7 and 19, Applicants note that the Examiner rejected these claims as obvious over Kouchi in view of Kennelly for the same reasons as those given for independent claim 1. For at least the same reasons as those presented with regard to independent claim 1, Applicants respectfully submit that neither independent claim 7 nor amended independent claim 19, nor those claims that respectively depend upon these claims, are rendered obvious over the cited art. Applicants thus respectfully request withdrawal of the rejections of independent claims 7 and 19 (as amended), as well as of those claims the respectively depend upon them.

III. THE DOUBLE PATENTING REJECTIONS

Applicants respectfully acknowledge the double patenting rejection relative to the Co-pending Application, without conceding the merits of the rejection. Applicants respectfully request that the rejection be held in abeyance until such time as at least one of either the Subject Application or the Co-pending Application issues as a patent.

IV. CORRECTION OF THE CONTINUITY DATA

Applicants respectfully note that in a prior submission received by the Office on July 29, 2005, Applicants submitted a statement establishing that the Subject Application is entitled to claim the benefit of the filing date of November 22, 1999 of now abandoned application serial number 09/444,937 (though now abandoned application serial number 09/990,194). Applicants respectfully request that the continuity data of record for the Subject Application be updated accordingly.

V. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C.'s Deposit Account No. 03-2769.

Respectfully submitted,

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